

# STATE LEGISLATIVE FACT SHEET

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U.S. Department of Transportation  
**National Highway Traffic Safety  
Administration**

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## STRENGTHENING SEAT BELT USE LAWS— INCREASE BELT USE, DECREASE FATALITIES AND INJURIES

Traffic crashes are a leading cause of death in the United States. Wearing seat belts is the easiest and most effective way of cutting the highway death toll, and strong occupant protection laws are the most effective way of increasing safety belt use. Highway deaths could be cut dramatically if states upgraded their laws to improve coverage and enforcement. A model state safety belt use law is available from NHTSA.

### ***Make All Belt Use Laws Subject to Primary Enforcement*** **Definitions:**

**Primary Enforcement:** A citation can be written whenever a law enforcement officer observes an unbelted driver or passenger.

- A July 1997 poll of registered voters by Public Opinion Strategies found overwhelming public support for standard (primary) seat belt use laws across demographic groups:
  - 61 percent of respondents favored primary enforcement of seat belt laws (up from 52 percent just four months earlier).
  - 68 percent of African-American respondents favored primary enforcement of seat belt laws.
- The Presidential Initiative for Increasing Seat Belt Use Nationwide recommends states enact strong legislation by adopting primary seat belt laws and closing the gaps in child passenger safety laws. The other strategies in the four-point plan include building public-private partnerships; embracing active, high-visibility enforcement; and conducting well-coordinated, effective public education.
- As of January 2000, 16 states, the District of Columbia and Puerto Rico have primary laws in effect. Thirty-three states have secondary enforcement laws and one state has no seat belt use law.
- In 1998, states with primary belt laws averaged 17 percentage points higher belt use than those with secondary laws (79 versus 62 percent).
- Primary enforcement sends a message to motorists that belt use is an important safety issue that the state takes seriously.
- California's experience in changing to primary enforcement on January 1, 1993, provides strong evidence of the benefits of primary enforcement laws. Statewide driver seat belt use increased from 70 percent in 1992 to 89 percent in 1998.
- In attitude surveys, officers consistently preferred primary laws and report that a secondary enforcement law is a major deterrent to issuing citations.

### ***Protect All Vehicle Occupants in All Passenger Vehicles***

- Extend protection to rear seat occupants. Most laws currently apply only to the driver and front seat passengers. All vehicle occupants should buckle up.
- Extend coverage to all types of personal vehicles. Some states exempt occupants of pickup trucks, vans, and other light trucks, yet most of these vehicles are used for personal transportation.

- Prohibit passengers from riding in the cargo bed of pick-up trucks. To avoid excessive risk, passengers should ride only in seating areas equipped with seat belts.

### ***Emphasize Enforcement and Levy Significant Fines***

- Experience shows that belt use goes up when seat belt laws are actively enforced. In Elmira, New York, a well-publicized, two-wave enforcement effort from 1985-86 raised belt use from 50 percent to 83 percent.
- In Canada—where laws are primary, fines are adequate, and use is encouraged with periodic waves of strict, well-publicized enforcement—belt use averages 92 percent. The United States, by contrast, averages 70 percent.
- Fines currently range from \$5 in Idaho to \$75 in Oregon. The most common fine (in 27 states) is \$20 or \$25. Only one state (Wyoming)—has no fine. An adequate fine is a measure of effectiveness. A 1995 NHTSA study of the effect of various provisions of seat belt use laws found that for each \$1 in fine level, states tend to gain about 0.08 percent higher belt use. That is, a state with a \$20 fine would tend to have a use rate that is 8 percent higher than a state with a \$10 fine.

### ***Conduct Combined Public Awareness and Enforcement Campaigns***

- After statewide enforcement and publicity efforts in October 1993 and July 1994 (with 6,364 checkpoints, 58,883 belt and 3,728 child seat citations), North Carolina's belt use rose from 65 percent to 81 percent. A phone survey revealed that 85 percent of respondents were aware of the effort and 87 percent supported it. A multi-year statewide program is now underway.
- An effective publicity campaign should stress the safety value of seat belts and support the active enforcement of belt laws. Publicity and enforcement must go hand-in-hand.
- Revenue from belt law fines can be used to help fund publicity efforts. Revenues can also help support programs for distributing car seats through hospitals and community groups.

### ***National Goals from the Presidential Initiative for Increasing Seat Belt Use***

On April 16, 1997, ambitious national seat belt use goals were established. The goals are to increase national seat belt use to 85 percent by 2000 and 90 percent by 2005 (from 68 percent in 1996). Enacting strong seat belt legislation is an important strategy in meeting these new national seat belt use rate goals.

### ***Occupant Protection Incentive Grant Programs***

On May 22, 1998, Congress passed H.R. 2400, the Transportation Equity Act for the 21st Century (TEA-21). Two programs established in TEA-21 have a direct impact on seat belts and occupant protection. In FY 1999, the Section 157 Seat Belt Incentive Grants program authorized \$500 million over five years for incentive grants to encourage states to increase seat belt use rates. States receive funds based on projected annual savings in Federal medical costs resulting from increased seat belt use. States may use these grant funds for any eligible Title 23 project (which may include some construction projects). In fiscal year 1999, funds remaining after these allocations were apportioned for use in the surface transportation program. Beginning FY 2000, remaining funds will be available to finance innovative projects to increase seat belt use rates, based on plans submitted by the states. The Section 405 occupant protection incentive grant program authorized a two-part, \$83 million program over five years to target specific occupant protection laws and programs. Under part one, a five-year program beginning in FY '99, states receive grants if they demonstrate that they have in place certain occupant protection laws and programs, such as primary safety belt use laws and special traffic enforcement programs. Under Section 2003 (b) a two-year program in FY 2000 and 2001, states will receive grants if they carry out child passenger protection education activities. States may use these grant funds for occupant protection programs.

### ***Urge Parents To Place Children In The Rear Seat***

- The rear seat is the safest place for children of all ages.
- Infants (less than one year of age) should never be placed in the front seat of a car or truck with a passenger-side air bag.
- Infants must always ride in the rear seat, facing the rear of the car.
- Children should not ride with the shoulder belt tucked under their arms or behind their backs.
- Make sure everyone is correctly buckled up. Unbelted or improperly belted occupants can be hurt or killed by the deploying air bag.

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***The reports and additional information are available from your State Highway Safety Office, the NHTSA Regional Office serving your State, or from NHTSA Headquarters, Traffic Safety Programs, ATTN: NTS-12, 400 Seventh Street, S.W., Washington, DC 20590; 202-366-2708.***